

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN RE THE PETITION OF §  
GEORGE R. GOODLETT FOR A § No. 566, 2005  
WRIT OF MANDAMUS §  
§

Submitted: November 22, 2005

Decided: January 24, 2006

Before **STEELE**, Chief Justice, **BERGER** and **JACOBS**, Justices

**ORDER**

This 24<sup>th</sup> day of January 2006, it appears to the Court that:

(1) The petitioner, George R. Goodlett, seeks to invoke this Court's original jurisdiction to issue an extraordinary writ of mandamus<sup>1</sup> to compel the Superior Court to sentence him according to the Truth in Sentencing guidelines. The State of Delaware, as the real party in interest, has filed an answer requesting that Goodlett's petition be dismissed. We find that Goodlett's petition manifestly fails to invoke the original jurisdiction of this Court. Accordingly, the petition must be dismissed.

(2) In January 2005, Goodlett pleaded guilty to Burglary in the Third Degree, Violation of Bond Conditions, Assault in the Third Degree, and Criminal Mischief. In March 2005, Goodlett filed a motion to withdraw all of his guilty pleas. The Superior Court denied the motion and sentenced

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<sup>1</sup> Del. Const. art. IV, § 11(6); Supr. Ct. R. 43.

Goodlett to a total of 5 years and 30 days incarceration at Level V, to be suspended after 4 years for 6 months probation. The Superior Court subsequently reduced the burglary sentence to 3 years Level V incarceration.

(3) A writ of mandamus is an extraordinary remedy issued by this Court to compel a lower court to perform a duty.<sup>2</sup> As a condition precedent to the issuance of the writ, Goodlett must demonstrate that: he has a clear right to the performance of the duty; no other adequate remedy is available; and the trial court has arbitrarily failed or refused to perform its duty.<sup>3</sup>

(4) Under Delaware law, the sentencing guidelines are not binding upon the Superior Court judge.<sup>4</sup> Goodlett has, therefore, failed to demonstrate, first, that the Superior Court had a duty to sentence him according to the sentencing guidelines and, second, that the Superior Court arbitrarily failed or refused to perform its duty. The issuance of a writ of mandamus is, therefore, not warranted in this case.

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<sup>2</sup> *In re Bordley*, 545 A.2d 619, 620 (Del. 1988).

<sup>3</sup> *Id.*

<sup>4</sup> *Ward v. State*, 567 A.2d 1296, 1297 (Del. 1989).

NOW, THEREFORE, IT IS ORDERED that Goodlett's petition for a writ of mandamus is DISMISSED.<sup>5</sup>

BY THE COURT:

/s/ Carolyn Berger  
Justice

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<sup>5</sup> Goodlett also filed a motion to compel requesting this Court to order the attorney who represented him in his direct appeal to contact him. Because that motion is inappropriate in this proceeding, it is hereby denied. Goodlett also filed a motion requesting this Court to consider additional points relating to his petition. In deciding this matter, the Court has considered Goodlett's additional points.